

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Squad #8	CCRB Case #: 201602411	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/11/2016 9:30 AM	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 8/11/2017	EO SOL 8/11/2017	
Date/Time CV Reported Sat, 02/13/2016 10:27 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Sat, 02/13/2016 10:27 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM David Grieco	18061	940216	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Trione	04136	949743	WARRSEC
2. POM Bernard Corso	25275	946460	WARRSEC
3. POM Fadie Fadel	30509	954784	075 PCT
4. DT3 Thomas Napolitano	3282	940682	WARRSEC
5. DT3 Thomas Fusco	3191	940918	075 DET

Officer(s)	Allegation	Investigator Recommendation
A.POM David Grieco	Abuse: Detective David Grieco authorized the entry and search of § 87(2)(b) in Brooklyn.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

There is no video footage associated with this incident. Although § 87(2)(b) filed the complaint, she was not present for any of the following events and was only informed about them by her alleged half-brother, § 87(2)(b) and his alleged cousin, § 87(2)(b).

At approximately 9:29 a.m. on February 11, 2016, § 87(2)(b) was arrested by Police Officer Fadie Fadel of the 75th Precinct as a result of a domestic dispute with her then-girlfriend, § 87(2)(b). After both civilians were taken to the stationhouse, § 87(2)(b) spoke to Police Officer David Grieco of the 75th Precinct Intelligence Office. Following that conversation, unidentified officers went to § 87(2)(b)'s apartment and searched for a weapon (**Allegation A**). The apartment lease is in § 87(2)(b)'s name, but § 87(2)(b) and § 87(2)(b) were reportedly staying there at the time and told § 87(2)(b) about the search after her release from custody. PO Grieco failed to record his activities regarding this matter in his memo book (**Allegation B**). This case was discussed Prosecutor Heather Cook of the Administrative Prosecution Unit.

Mediation, Civil and Criminal Histories

- In light of § 87(2)(b)'s arrest, this case was deemed ineligible for mediation.
- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- As of May 3, 2016, no one has filed any notice of claim with the City of New York related to this incident (see Board Review #2).

Civilian and Officer CCRB Histories

- PO Grieco has been a member of the NYPD for ten years and has been a subject in eighteen prior CCRB cases involving twenty-nine FADO allegations (see Board Review #3). Three allegations, two regarding entries/searches and one regarding a stop, have been substantiated against him. The NYPD issued instructions for one of the entry/search allegations, while charges were recommended for the other two allegations. No NYPD disposition is listed in CTS. Additionally, three other entry/search allegations have been made against PO Grieco, two of which were closed as complainant uncooperative/unavailable and the other of which was exonerated. § 87(4-b), § 87(2)(g)

- § 87(2)(b) has filed only one other complaint with the CCRB (§ 87(2)(b)), which remains open (see Board Review #4).

Potential Issues

As § 87(2)(b) and § 87(2)(b) reportedly witnessed this incident, contact attempts were made to them. Between March 1, 2016 and March 17, 2016, five calls were placed to each of the numbers provided or found for § 87(2)(b) and § 87(2)(b). On all but one occasion, the calls went to voicemail and the undersigned left a message requesting a call back. On March 1, 2016 and March 8, 2016, respectively, two Please Call letters were mailed to § 87(2)(b). On March 4, 2016 and March 11, 2016, respectively, two Please Call letters were mailed to § 87(2)(b). None of the aforementioned letters have been returned to the CCRB via the United States Postal Service. Although there were too many results in the New York City Department of Corrections inmate lookup database to determine if the § 87(2)(b) in question has been or is incarcerated, a search of that system on June 13, 2016 revealed that § 87(2)(b) was not incarcerated.

Separately, as § 87(2)(b) currently resides in § 87(2)(b) the CCRB was unable to obtain an in-person statement from her. Although she provided a detailed telephone statement, she explicitly stated that she did not want to utilize any additional time or money for this matter and noted that she would not likely get a verification form notarized if sent to her. Nevertheless, a verification form was mailed to her on May 23, 2016, which has not been returned to the CCRB as of the date of this report.

The investigation of this case extended beyond thirty days due to its close connection with a concurrent complaint filed by § 87(2)(b) (§ 87(2)(b)) and the inability of the investigation to immediately identify which officers were involved. Coincidentally, on the morning of this incident, officers from the Brooklyn North Warrants Squad visited § 87(2)(b) in connection with a separate investigation. It was suspected that these officers were involved in the search that occurred following her arrest. However, after multiple officers were interviewed, it was determined that they were entirely uninvolved in the events that followed. The closure of the case was delayed as a result of this confusion.

Findings and Recommendations

Allegation A—Abuse of Authority: Detective David Grieco authorized the entry and search of § 87(2)(b) in Brooklyn.

§ 87(2)(b) alleged (see Board Review #5) that after she was released from police custody and returned home to the apartment that is in her name, her half-brother, § 87(2)(b) and his cousin, § 87(2)(b) told her that officers had come to the apartment and searched a room they were using for storage that is located between § 87(2)(b)'s room and § 87(2)(b)'s room. § 87(2)(b) did not witness this search herself or know which officers were involved. Although she found her belongings in disarray, she was unaware of any items missing or having been taken.

§ 87(2)(b) (see Board Review #6), who was § 87(2)(b)'s girlfriend at the time, stated that after she had § 87(2)(b) arrested for threatening her with a knife, she was taken to the stationhouse, where she spoke to PO Grieco. § 87(2)(b) initially stated that PO Grieco repeatedly

asked her if § 87(2)(b) had any weapons and that she told him she knew nothing about any weapons and had not seen any. However, when questioned further, § 87(2)(b) stated that at one point, she did tell PO Grieco that she had once seen a disassembled gun on a bed in an unoccupied room, though she reportedly emphasized that it was not § 87(2)(b)'s and that she had nothing to do with it. § 87(2)(b) alleged that when PO Grieco explicitly asked her to sign a consent to search form, she replied that she did not have the authority to consent to such because, although she had been living there for approximately three to four months, it was really § 87(2)(b)'s apartment. § 87(2)(b) further stated that she had been kept at the stationhouse for over two hours and wanted to leave. She stated that before departing, PO Grieco had her sign four forms, which she only scanned but to which she did not pay close attention. § 87(2)(b) acknowledged that PO Grieco also verbally explained what each form was, but that she did not listen as she signed because she just wanted to leave.

PO Fadel stated (see Board Review #7) that after he escorted § 87(2)(b) to the stationhouse for arrest processing, he spoke to § 87(2)(b) to complete a domestic incident report. He maintained that when asked if § 87(2)(b) had a gun, § 87(2)(b) confirmed that she did, so he brought her to PO Grieco in order to obtain more information. PO Fadel maintained that he did not hear § 87(2)(b)'s conversation with PO Grieco because he was instead completing the domestic incident report. PO Fadel stated that he himself did not see § 87(2)(b) sign any consent to search form, but was at some point informed by unknown members of the team that she had signed one and that her apartment would be searched to recover the gun. PO Fadel denied ever going to the apartment or participating in the search of the apartment. He claimed that he did not recall if or how any keys were obtained to access the apartment. PO Fadel noted in his memo book (see Board Review #8) that while preparing the domestic incident report, § 87(2)(b) informed him that § 87(2)(b) had access to a gun if she wanted to get one. The domestic incident report (see Board Review #9) also states that § 87(2)(b) had access to a weapon.

PO Grieco stated (see Board Review #10) that while he was working at his desk in the stationhouse that day, PO Fadel brought § 87(2)(b) to him for debriefing. PO Grieco maintained that he did not recall what PO Fadel said about the situation, though PO Grieco knew that § 87(2)(b)'s girlfriend had been arrested. PO Grieco claimed that although he did not recall all of his approximately ten-minute conversation with § 87(2)(b) she did tell him that § 87(2)(b) had a broken down firearm in their apartment. PO Grieco maintained that he did not recall if § 87(2)(b) described the firearm or specified where in the apartment it was located. PO Grieco stated that he asked § 87(2)(b) to sign a consent to search form, which she agreed to do. PO Grieco maintained that although he intended to search the apartment after § 87(2)(b) signed the form, he was called out to participate in an emergency search warrant, so other officers whom he did not recall went to § 87(2)(b) instead of him. PO Grieco denied participating in the search of § 87(2)(b)'s apartment or knowing which officers did, though he was ultimately informed that nothing was recovered from the search. PO Grieco noted in his memo book that he went to § 87(2)(b) at 11:30 a.m. and froze the location until the search warrant was obtained and executed at 10:39 p.m. the same day. PO Grieco claimed not to know where the signed consent form was and a sergeant from the 75th Precinct confirmed verbally over the telephone to the CCRB that no such form could be located. Separately, a request for a copy from the 75th Precinct Detective Squad also indicated that no such form was on file.

Although PO Grieco's memo book corroborates his claim that he did not actually participate in any search of § 87(2)(b)'s apartment, his conversation with her and her alleged consent was the basis of the search, so the investigation holds PO Grieco responsible for authorizing the operation and the allegation is pleaded against him. § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Squad: __

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer:

Title/Signature

Print

Date